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Attorneys for Defendant
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware
corporation,

Plaintiff,

vs.

RAJ ABHYANKER, an individual,

Defendant.

RAJ ABHYANKER, an individual

Counterclaimant,

vs.

NEXTDOOR.COM, INC., a Delaware
corporation; PRAKASH
JANAKIRAMAN, an individual;
BENCHMARK CAPITAL PARTNERS,
L.P., a Delaware limited partnership;
BENCHMARK CAPITAL
MANAGEMENT CO. LLC, a Delaware
limited liability company; SANDEEP
SOOD, an individual; MONSOON
ENTERPRISES, INC., a California
corporation, and DOES 1–50, inclusive;

Counterdefendants.

Case No. 3:12-cv-05667-EMC

**DECLARATION OF ROY
MONTGOMERY IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL
BY BRUNO TARABICHI, HEATHER
NORTON, SCOTT ALLEN, ROY
MONTGOMERY AND BRIAN ORION**

Date: July 17, 2014
Time: 1:30 p.m.
Courtroom: 5 – 17th Floor
Judge: Honorable Edward M. Chen

1 I, ROY MONTGOMERY, declare as follows:

2 1. I am an attorney at law, duly admitted into practice before all courts for the State
3 of California. I am counsel for Defendant Raj Abhyanker. I make this Declaration in support of
4 the Motion to Withdraw as Counsel By Bruno Tarabichi, Heather Norton, Scott Allen, Roy
5 Montgomery and Brian Orion. The matters set forth herein are of my own personal knowledge,
6 and if called upon to testify as to such matters, I could and would do so.

7 **Request For Hearing To Be Held In Camera Without Opposing Counsel**

8 2. My legal research regarding the recommended best practices for withdrawing in
9 the instant situation reveals that an attorney should request that the court hear the motion to
10 withdraw *ex parte*, in camera. This is the recommended practice by official publications of the
11 California State Bar, such as the California Bar Journal, as well as relevant judicial decisions. It
12 appears that sometimes the presiding Judge will order another judge to conduct the in camera
13 review to avoid prejudice or bias moving forward. *See, e.g.*, Diane Karpman, How to Safely
14 Withdraw From a Case, California Bar Journal (May 2010); *United States v. D'Armond*, 65 F.
15 Supp. 2d 1189, 1193 (D. Kan. 1999) (hearing counsel's proffer in support of motion to withdraw
16 *ex parte*, in camera).

17 3. In order to avoid any breaches of confidentiality to my client Mr. Abhyanker that
18 may result from briefing and hearing the Motion to Withdraw on the record, I respectfully request
19 permission to proffer my reasons in support of withdrawal during an *ex parte*, in camera hearing.

20 **The California Rules of Professional Conduct Require Withdrawal**

21 4. Based on my review and analysis of Rule 3-700 of the California Rules of
22 Professional Conduct, I believe that I am ethically required to seek to withdraw in the instant
23 case. I would request permission to proffer the reasons supporting the request to withdraw
24 confidentially in an *ex parte*, in camera hearing so as to not prejudice my client.

25 **Notice Has Been Given to Client**

26 5. I have provided advance notice of my intent to seek withdrawal in this case to my
27 client Raj Abhyanker. Mr. Abhyanker has not provided his consent to the withdrawal.
28

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed June 11, 2014 at San Francisco, California.

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5 /s/ Roy Montgomery
6 ROY MONTGOMERY
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